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TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number 10/017,746 ✓

Filing Date December 7, 2001

First Named Inventor Van Barlow

Art Unit 3721

Examiner Name Lopez, Michelle

Attorney Docket Number 510P004

ENCLOSURES (Check all that apply)

| | | |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input checked="" type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | -Request for Reduction of Patent Term Adjustment (2-Pages) |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|------------------|----------|--------|
| Firm Name | Niels & Lemack | | |
| Signature | | | |
| Printed name | Robert C. Frame | | |
| Date | October 18, 2005 | Reg. No. | 54,104 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|-----------------|------|------------------|
| Signature | | | |
| Typed or printed name | Robert C. Frame | Date | October 18, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Van Barlow et al.
Serial No. : 10/017,746
Filed : December 7, 2001
For : COATED STAPLE AND FASTENING TOOL
FOR THE SAME
Examiner : Lopez, Michelle
Art Unit : 3721
Attorney Docket No. : 510P004

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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lope addressed to: Commissioner of Patents
P.O. Box 1450, Alexandria, VA 22313
on October 18, 2005 (Date)

Robert C. Frame
Name of applicant, assignee, or Registered
Representative

[Signature]
Signature
October 18, 2005
Date

REQUEST FOR REDUCTION OF PATENT TERM ADJUSTMENT

Sir:

The applicant respectfully requests a reduction of the patent term adjustment for the above-identified application. This petition is being made in accordance with 37 CFR 1.56. This patent is not subject to a terminal disclaimer.

The patent term adjustment indicated on the Notice of Allowance is 2 days. The applicant believes that this term should be 0 days, as explained below.

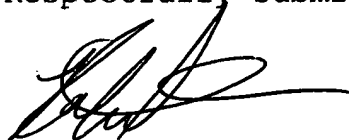
On March 28, 2005, an appeal brief was filed with improper headings. The PTO responded with a notice on June 6, 2005. The applicant then filed an amended brief on July 5, 2005.

In calculating the patent term adjustment, the PTO did not reduce the patent term adjustment pursuant to

§1.704(c)(7). The PTO also measured their responsiveness from the date that the first appeal brief was filed, not from the date when the amended brief was filed.

In view of these events, the applicant respectfully requests a reduction of the patent term adjustment in view of the afore-mentioned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Frame', written over a horizontal line.

Robert C. Frame

Reg. No. 54,104

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